

Hearing Access Program

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May 15, 2006

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Ex Parte Presentation
CG Docket# 05-213
03-123

I am writing to report my ex-part conversations on May 11th with Dana Shaffer. The following summarizes our discussions:

Docket #: 05-213:

The child's perspective on how poor quality captioning impact's their learning and life. Spelling mistakes and deleted sentences prevent a child from appropriately understanding a show. Unlike an adult, the child does not have the framework to understand or realize that that words are spelled incorrectly. To them, everything that is on television is gospel and correct. Also, how can they decipher a captioner's error when they cannot hear all of the sounds in a word and they are just learning to read?

Unlike other children who passively listen to television, children who are deaf or hard of hearing are actively reading while they watch television. Television allows them to improve their language skills, to fill-in and learn contemporary language that children typically hear from conversations and to be part of the social mix at school.

In addition, poor quality captioning affects immigrants and children of immigrants. Captioning allows immigrants that do not speak English to work on their spelling and reading. Misspelled words also affect someone who is attempting to learn English but has no ability to know whether the words are misspelled. There may be no one in their household who speaks English that they can seek their assistance.

Currently there are no standards for what is appropriate captioning. Individual production companies, broadcasters and captioning companies set the captioning standards that affect 28 million people. There is no uniformity and the quality varies widely. The market is failing this segment of the population. Arbitrary decisions are made and it is impossible for the average consumer to

complain and fix the situation. The determination of when live captioning should be utilized is a prime example of the system's failing.

Reality based shows or shows with cliffhangers are sometimes captioned live when they are actually taped in advance. The theory is that the production companies are afraid that the captioner will reveal the surprise ending in advance. Surprisingly, no one is worried about any of the other staff members. The result is that there are unnecessary captioning errors. Reputable captioning companies are able to caption shows in advance without divulging the ending. Also, if the production companies are truly worried, then they can take the captioning in-house and do it themselves. It is my understanding that HBO is currently captioning in-house.

But, with no regulations, the production company is free to do what they would like with no incentive to correct it. The producers for Donald Trump's Apprentice that they do not even check the captioning and they rely exclusively on the captioning company's reports told me. When erecting a building, would Donald Trump rely on his contractor's sign off without having his architect double check the work? Then why is his production company not verifying the captioning company's work when a complaint is filed? Why are broadcasters and production companies' expectations so low? Because captioning is inconsequential to them, they don't care and they can't be bothered. Captioning companies cannot deliver appropriate captioning when the marketplace demands low-cost captioning regardless of quality.

Therefore, we need the FCC's help to ensure that this market place failure is rectified if we want our children to reach their full potential and for "No Child to be Left Behind". The current system creates unnecessary obstacles and we need to demand more for our kids. As such, we are advocating that the FCC develop the standards and penalties recommended in The Petition for Rulemaking; In the Matter of Closed Captioning of Video Programming-Implementation of Section 305 of the Telecommunications Act of 1996; Video Programming Accessibility to ensure that anyone who needs captioning is receiving the functional equivalency for what is being said.

Docket #: 03-123:

Captioned telephone is currently offered in 36 states. New York is not one of them. It is frustrating that technology that is currently available in 36 states is not available throughout the United States and it's territories. Captioned telephone allows someone who is hard of hearing to use a traditional style phone but yet receive captions in addition to voice. The captioning is done via a relay service that uses voice recognition software to convert voice to text. This system allows someone who does not use sign language to still be able to use the phone. The captioning feature augments a person's own hearing.

Captioned telephone is critical for people of all ages. For children and teens it impacts their schoolwork and their social life. Imagine trying to call a friend with

a homework question and not knowing exactly what they said. Imagine being a teen and someone calling you for a date and having to have your mother on the phone because you can't hear the whole conversation? For adults, it is the difference of being able to function appropriately at work and being able to talk to your family on the phone. For this reason, I urged the FCC to respond to the current petition before them.

This letter is being electronically filed.

Sincerely,

Janice L. Schacter
Chair, Hearing Access Program
Collaboration of:
Alexander Graham Bell Association for the Deaf and Hard of Hearing
The League for the Hard of Hearing/abc communication
Hearing Loss Association of America f/k/a Self Help for the Hard of Hearing
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CC: Dana Shaffer